

NATIONAL TRANSPORTATION SAFETY BOARD

In the Matter of:ACCIDENT OF THE LADY D
ON MARCH 6, 2004
in Baltimore, Maryland

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Docket No. DCA 04 MM015

Wednesday
March 10, 2004

INTERVIEW OF:

KATHI GOCHAL NICHOLS

PRESENT:

MORGAN J. TURRELL, NTSB
TOM ROTH-ROFFY, NTSB
MARK HAMMOND
ED NARIZZANO

P R O C E E D I N G S

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MR. TURRELL: Good

morning. It is 1:30, March 10, we are at the U.S. Coast
Guard Taney, interviewing a witness from the Seaport
Water Taxi accident on March 6.

My name is Morgan Turrell of the NTSB and to
my right?

LIEUTENANT COMMANDER HAMMOND: Lieutenant
Commander Mark Hammond, Coast Guard Sector, Baltimore.

MR. ROTH-ROFFY: Tom Roth-Roffy, National
Transportation Safety Board.

MR. NARIZZANO: Ed Narizzano, Director of
Seaport Taxi.

MR. TURRELL: And if you would just introduce
yourself and spell your name please.

MS. NICHOLS: Kathi Gochal-Nichols, that is
spelled
K-A-T-H-I, G-O-C-H-A-L - N-I-C-H-O-L-S, Office Manager
of Seaport Taxi.

MR. TURRELL: And how long have you held that
position?

MS. NICHOLS: A year.

MR. TURRELL: And what are your duties as
office manager?

1 MS. NICHOLS: I do payroll, all the paperwork
2 that needs to be done in the office.

3 MR. TURRELL: Okay.

4 MS. NICHOLS: Your basic duties.

5 MR. TURRELL: Okay.

6 MS. NICHOLS: I help Ron with in getting the
7 mates out for the day, preparing their banks, issuing
8 tickets, putting orders together so they know what
9 vessels and who are assigned to the vessels.

10 MR. TURRELL: Okay. And how much involvement
11 do you have with the hour by hour operations of the
12 vessels when they are on the water? What
13 responsibilities do you have?

14 MS. NICHOLS: We have a radio in the office, I
15 monitor it at all times. If they need something from
16 the office, they will tell me, if they need phones
17 calls made through various places, within the Inner
18 Harbor to alert, you know, Marriott, if they are not
19 going to be able to go in there or something, I make
20 those phone calls for them.

21 MR. TURRELL: Okay. And do you recall if that
22 radio is a VHF or a hand held walkie UHF radio?

23 MS. NICHOLS: Both.

24 MR. TURRELL: Both. And which channels do you
25 monitor?

1 MS. NICHOLS: The VHF is 71.

2 MR. TURRELL: Okay. How many boats do you
3 normally operate this time of year?

4 MS. NICHOLS: On weekends it is anywhere from
5 three to five, and during the week it is one and on
6 Fridays, we put an additional vessel out at six o'clock
7 p.m.

8 MR. TURRELL: Okay. To your knowledge how many
9 full time captains do you have employed this time of
10 year?

11 MS. NICHOLS: Six, seven.

12 MR. TURRELL: Okay. And Kathi, if you would
13 just take us through Saturday, the day at the office
14 and what happened and from your recollection.

15 MS. NICHOLS: Starting?

16 MR. TURRELL: Starting in the morning, when
17 you came to work.

18 MS. NICHOLS: Okay. Well, it was, the weather
19 was very nasty, it was raining a lot. The work crew
20 started arriving. I started mine, getting the banks
21 ready, getting, had decided not to go out because of
22 the rain and we had a mate that wasn't going to be able
23 to get in until later, so his mate was assigned to the
24 captain that did not have one, one of the first boats
25 that was going out. And I just continued on with some

1 computer that I do.

2 I think it was about two or so in the
3 afternoon, the sun had come out and it was, it looked
4 pretty nice. The onset of everything that was
5 happened, was brought to my attention by the radio.
6 Communication from one of the captains and I started
7 hearing, you know, the howers hitting the map out in
8 the marina, so I turned around and I noticed that it
9 was very black in the north and started down south of
10 us. So I brought Doppler, it showed me that most of
11 the storm was north of us, moving south, southeast.
12 So, after I heard one of the captains tell everybody to
13 use their discretion about tying up, because of the
14 storm coming through, I got on and told them that the
15 storm looked, looked the heaviest north of us and south
16 of us. And we have got some blue and green, so we might
17 see a little sprinkle or, you know, showers. And then
18 all of a sudden, it was a torrential downpour, so, I
19 got back on the radio and I said, so much for showers.
20 Then the sun came out.

21 And I don't know where the vessels, I know
22 that everybody had pulled over, when this rain had come
23 through. And for whatever reason, they were trying to,
24 I mean, I had gone back to my paper, you know, my
25 office work. Then I started getting involved with

1 radio transmissions, and listening to, we are hailing
2 Frank and couldn't get him. So, after a couple of
3 attempts from some other vessels, I got on, and started
4 hailing him. I don't know what vessel it was, what
5 captain had called to me and asked me to call Mike's
6 cell phone because they couldn't reach Frank on his
7 cell phone. And after that I remember Captain John
8 Glenn heading towards Fells Point, he advised the fleet
9 that he was going to disembark his passengers at some
10 point and he was going to head out to see if he could
11 find out what is going on because we, we are not able
12 to raise Frank. And that is when that gust of wind had
13 gone through.

14 Bill Thompson, who is the Fort coordinator,
15 started radioing me but his hand held because he was
16 underneath an overhang, his transmission was not, I
17 couldn't understand what he was saying. I was asking
18 him to try and go find out what was wrong, what he
19 could see and he said, I can't see anything right now
20 because I am up here. That is all I remember him
21 saying. Other than that, his transmission was just
22 truly broken up so I couldn't really make out any
23 words. He started walking down towards where we board
24 the passengers, and he said something really wrong,
25 something bad has happened. And that is when, Captain

1 Ron Silver had boarded with John Glenn to head out.

2 Ed Narizzano was at Anchor Bay working on one
3 of our vessels, I called him, and told him that
4 something was wrong, sounds like one of our boats had,
5 had tipped over. And that he needed to come down to
6 the office. I remember talking to him again because I
7 didn't know where the incident was located, and to me
8 it sounded like it was around the Canton Waterfront
9 Park and that would be on his route back down to us.
10 Thinking maybe he could stop there and find out if he,
11 find out anything that was going on. Ron had started
12 radioing to me on the black box and asked me to call Ed
13 and tell him, just to come into the office. It was
14 nothing that he could do or see from his vantage point.
15 But, he didn't really give me any other clarification.
16 He did verify to me that the one boat was down and in
17 the water on the black box.

18 MR. TURRELL: And then what did you do?

19 MS. NICHOLS: Well, there were additional
20 passengers out at Fort McHenry, the ones that were not
21 able to board because the one boat had taken on her
22 capacity. So we had, there was a vessel in Fells Point
23 that had stayed there to weather out the storm, which
24 was like only three minutes. He asked if maybe he
25 should go out and pick those passengers up. And I

1 verified that he should because we wanted to get those
2 passengers away from whatever happened, so they didn't
3 have to -- Once he got out there, he was denied docking
4 to pick up those passengers. And by that time Ed had
5 gotten into the office after we sent that other vessel
6 out to get those passengers.

7 It is real foggy about whether I was still
8 talking to the Fort coordinator as far as what was
9 going on, where his location was and where those other
10 passengers were. We were trying to come up with a way
11 of going out and picking them up. And it just so
12 happened that I decided to call a groundskeeper who
13 does maintenance at LCF, and he just so happened to be
14 there that day to work on the drive in gate that had
15 stopped working. So, he has access to the van, and we
16 had asked him if he would drive me over to get those
17 passengers so we could bring them back downtown. And
18 he and his girlfriend immediately got into the van and
19 drove me over there. When I came and I got over there,
20 it was like three or four ambulances leaving and there
21 were like one or two coming back in. The Fort gates
22 were closed, I got out and produced myself to the
23 ranger, and he allowed me to go through the barrier
24 that they had already put up. And Bill was there, Bill
25 Thompson. And he said that there were visitors who had

1 driven to the Fort that volunteered to take these other
2 people out of the Fort. So, they got back downtown on
3 their own through these volunteers.

4 I don't know whether, I don't remember if it
5 was Ed or Ron, whomever said, when you are over there,
6 bring Frank back with you. It just, it came up in a
7 conversation but I don't remember who had made that
8 suggestion. And I made an inquiry and the Marine
9 police were not going to release him. So, it was just
10 I and Bill Thompson that came back into the office.

11 And we gave Bill a witness statement, which
12 is a standard procedure, a form, that is provided by
13 the insurance companies, and we asked Bill, while it
14 was fresh in his mind, to go home and write down what
15 he remembered about the accident. And he brought that
16 back on Sunday when we had our crew meeting with James
17 Bond.

18 MR. TURRELL: Do you recall any other witness'
19 statements that were retrieved?

20 MS. NICHOLS: No. I didn't issue any other,
21 other than the one that I gave --

22 MR. TURRELL: Bill Thompson.

23 MS. NICHOLS: Right.

24 MR. TURRELL: Okay. I would like to perhaps
25 put some time to these events that occurred. The first

1 time that you told us at 14:00 the sun came out and
2 then later on you heard one of the captains talking by
3 the radio and you heard the howers whipping the
4 mariner.

5 MS. NICHOLS: Yes.

6 MR. TURRELL: Can you tell us around what time
7 that may have been?

8 MS. NICHOLS: About 15.

9 MR. TURRELL: Fifteen hundred.

10 MS. NICHOLS: I had made documentation. We
11 have a daily form that we fill out as to who I issued
12 the marine to and we had people kind of a just a
13 weather blurb up, so it is monitored, white ticket
14 sales, might be the way they are, and also to have a
15 record of what the weather was about. And for whatever
16 reason before all this happened, I went in and made
17 additional notes from my notes in the morning, at 14:00
18 the sun was out, and then at 15:00 a bad storm came
19 through. But, that was before I knew what was going
20 on.

21 MR. TURRELL: Okay. And then you actually
22 made, picked up the radio sometime later, saying the
23 storm was north and moving south, southeast. Can you
24 recall roughly what time that may have been?

25 MS. NICHOLS: It was around four o'clock. I

1 also have the, what a program called the weather bug.
2 And that is, that system is always on the Internet, and
3 I had the computer on, and it had, when an alert goes
4 through, it had a little icon that chirps and flashes
5 at me.

6 MR. TURRELL: Okay.

7 MS. NICHOLS: And it won't disengage until I
8 go in and open up the alert, I received nothing. I
9 found nothing on Doppler. The bad stuff looked north
10 of us and some of the other bad stuff looked south.

11 MR. NARIZZANO: What time, Ed Narizzano,
12 Director, what time was that visual weather bug?

13 MS. NICHOLS: I want to say about quarter to
14 four, ten to four, about four o'clock, in between
15 there.

16 MR. NARIZZANO: And at no time did it chirp?

17 MS. NICHOLS: No.

18 MR. TURRELL: So, you said a captain said to
19 the fleet to use their discretion to whether or not to
20 tie the boat up. Do you recall maybe who may have said
21 that?

22 MS. NICHOLS: Yes, it was Captain John Glenn.
23 He was in the Inner Harbor area, I believe, at the time
24 with the other vessels, and because they are out on the
25 water they have a better sense of what is going on.

1 So, that, you know, when I pulled up the radar, and
2 also when I was standing on the radio talking, I had
3 noticed lighting in the north. And when lighting is
4 detected, we, the vessels immediately find a tie up
5 pier and wait the storm out. That is our standard
6 procedure when something like that is going through.

7 MR. TURRELL: And when John Glenn made that
8 announcement to the fleets, to use their discretion to
9 tie up, did Frank, the captain of the Lady D respond to
10 that?

11 MS. NICHOLS: I did not hear anything.

12 MR. TURRELL: Did other specific captains
13 respond, other boats?

14 MS. NICHOLS: It wasn't, no. When I had put
15 out my radio transmission after looking at the radar, I
16 had requested a call back acknowledgment, and I know
17 the nine, and the eight acknowledged, I am not sure if
18 the captain on the 11 boat did, and John was already in
19 route to disembark his passengers at Fells Point.

20 MR. TURRELL: And but you didn't hear the
21 number one boat, we didn't hear from. Did you have any
22 communications with the number one boat in a time
23 period between two o'clock and four o'clock, other
24 communications?

25 MS. NICHOLS: Right. Well, I don't know if he

1 heard my transmission about the weather or he heard
2 John's, I just remember him saying, great, I am out
3 here in the middle. And I didn't know if that was
4 sort of sarcastic remark, like, you know, because
5 again, I am not out there on the water, so it is, it is
6 kind of hard for me to tell what the elements really
7 are out there. And that was the last I heard at the
8 office.

9 MR. TURRELL: Okay. And that was roughly about
10 what time?

11 MS. NICHOLS: Again around four.

12 MR. TURRELL: Four.

13 MS. NICHOLS: Right in that area. I wasn't
14 looking at the clock.

15 MR. TURRELL: So he was responding to John
16 Glenn's comment or your comment?

17 MS. NICHOLS: Well, I was the last one telling
18 them about the radar and I said, I reiterated, I said
19 what John had advised you, use your discretion as to
20 where you tie up, so, I don't know if it was mine or
21 his, or John's he was responding to, because it was
22 within a couple of minutes.

23 MR. TURRELL: Okay. So, the comment using your
24 discretion is really up to where to tie up and not
25 necessarily the order to tie up.

1 MS. NICHOLS: Right.

2 MR. TURRELL: Okay. So, basically it was very
3 clear --

4 MS. NICHOLS: Well, once I announced I saw the
5 lighting.

6 MR. TURRELL: Okay.

7 MS. NICHOLS: Everybody knows they need to tie
8 up at the closer pier, because we, that is just our
9 standard procedures, when somebody detects lighting, we
10 put that out on the radio. And then I don't know who
11 it was, but another captain within a minute or less had
12 verified that they had witnessed lighting also. And I
13 do not know where he was located, unfortunately, I
14 don't even know what boat had responded to that,
15 sighting of the lighting.

16 MR. TURRELL: Okay. I am going to go ahead and
17 turn this over to Tom Roth-Roffy.

18 MR. ROTH-ROFFY: Tom Roth-Roffy, NTSB.

19 I would like to go back again to your
20 announcement that you sent out. That was, what exactly
21 did you say, it was regarding the weather, the radar
22 information that you had, is that correct?

23 MS. NICHOLS: Yes.

24 MR. ROTH-ROFFY: You said the storm was well,
25 or north and south of the Inner Harbor.

1 MS. NICHOLS: Right, right.

2 MR. ROTH-ROFFY: Do you think that may have,
3 was that contrary to what the other folks were, had
4 received from Captain Glenn about using your
5 discretion, do you think that may have influenced them
6 one way or the other?

7 MS. NICHOLS: No. No, not really.

8 MR. ROTH-ROFFY: But, you were --

9 MS. NICHOLS: I just wanted to let them know
10 where, because of the, the darkest in the north heading
11 in our direction, I just wanted to let them know where
12 the concentration of the storm was and it didn't look
13 like it was going to be hitting Baltimore, because we
14 had the blue and the green coming right at us. And I
15 had the automation going on at the time, so it was
16 telling me where it was coming.

17 MR. ROTH-ROFFY: Did you see that radar
18 information as presenting a problem to the Inner Harbor
19 or --

20 MS. NICHOLS: I did not. I did not see that
21 it was going to pose a problem. That is the reason why,
22 we get on it immediately, but I did see the lighting,
23 so, everybody had to tie up.

24 MR. ROTH-ROFFY: I would like to clarify this
25 term you use "discretion". You said that Captain Glenn

1 sent out a thing to at their discretion to tie up. Is
2 that the way it is, or is it tie up and tie up at a
3 location of your own discretion?

4 MS. NICHOLS: I can't clarify what he was
5 communicating, what he meant by that.

6 MR. ROTH-ROFFY: Okay.

7 MS. NICHOLS: Because I don't know the
8 position of the boats and again, it could be raining at
9 Harbor Place and the sun shining at Fells Point.

10 MR. ROTH-ROFFY: Does anybody, you or any of
11 the captains, have the authority to issue an order to
12 basically order the other captains to tie up or to go
13 to a bulkhead?

14 MS. NICHOLS: Yes, that order can come out of
15 the office. I can instruct them to do so, but, our
16 captains all know that our standard procedure is if
17 there is a bad storm or anybody, if there is just one
18 captain or all witness lighting and a storm coming
19 through on the radar like that, if there is a storm
20 coming through on the radar, that they are to tie up
21 immediately. They all, they all knew that. I mean, it
22 is just, and then they communicate with each other
23 telling them where they are going in, if they are going
24 to disembark their passengers or if they are just going
25 to sit it out.

1 MR. ROTH-ROFFY: In the past have you ever had
2 the occasion to issue an order to the other boats on
3 the water to go to the bulkhead?

4 MS. NICHOLS: Not me, personally, no.

5 MR. ROTH-ROFFY: Okay. And that radar
6 information you got at the weather bug site, is that
7 correct?

8 MS. NICHOLS: The radar was from Doppler, and
9 the weather bug is an additional weather program that I
10 have up at all times.

11 MR. ROTH-ROFFY: Okay.

12 MS. NICHOLS: The little bug that sits down on
13 the icon.

14 MR. ROTH-ROFFY: Okay. Could you describe what
15 you mean by from Doppler?

16 MS. NICHOLS: I go into the National, to NOAA
17 and bring up their site.

18 MR. ROTH-ROFFY: Do you happen to know offhand
19 what the URL or the address is for that site?

20 MS. NICHOLS: Sterling, Virginia. That is
21 where it is coming out of.

22 MR. ROTH-ROFFY: Oh, no, but on the Internet,
23 what do you type in to get to that weather site? Is it
24 on the Internet or is it somewhere else?

25 MR. NARIZZANO: We have retriever on, so she

1 wouldn't, she wouldn't manually, you can hit it
2 immediately.

3 MR. ROTH-ROFFY: Okay. Is that correct?

4 MS. NICHOLS: Yes. I monitor, the weather bug
5 is on the Internet so all I have to do is go into
6 Internet, go into the favorites, and I have a list of
7 favorites and one of them is the weather and that
8 instantly comes up.

9 MR. ROTH-ROFFY: Okay. You talked about some
10 kind of a record that you keep on the weather, the
11 conditions of the day, which affects ticket sales.

12 MS. NICHOLS: Yes.

13 MR. ROTH-ROFFY: Is that a written record that
14 you keep copies of?

15 MS. NICHOLS: Yes. It is on the computer.

16 MR. ROTH-ROFFY: Okay. Maybe we could get, get
17 copies of that.

18 MS. NICHOLS: Sure, it is what is called a
19 daily reconciliation that my spreadsheet that I use to
20 log in the issuance of banks to the mates, and then
21 their banks are brought back to me, I process them as
22 far as the tickets sales, what they spend on fuel.

23 MR. ROTH-ROFFY: Okay. And in that
24 reconciliation you also make notations about the
25 weather?

1 MS. NICHOLS: About the weather, yes.

2 MR. ROTH-ROFFY: Maybe we can get that --

3 MR. NARIZZANO: That is forecasting year to
4 date sales, that sort of thing. It is a weather and
5 traffic analysis. And we just started that recently, I
6 don't think we did that, maybe a month or two.

7 MS. NICHOLS: Yes.

8 MR. NARIZZANO: Not long.

9 MR. ROTH-ROFFY: Okay. Maybe we could just go
10 back to when you started it.

11 MR. NARIZZANO: I thought it would be good to
12 look the same dates year to year, like totally
13 different numbers.

14 MS. NICHOLS: I mean, like for Valentine Day's
15 you expect to be really, really busy and because of the
16 weather elements, it wasn't. But, last weekend, and
17 the weekend before that, because of the weather,
18 everybody had cabin fever.

19 MR. NARIZZANO: Most of the manpower was
20 scheduled.

21 MS. NICHOLS: Yes.

22 MR. ROTH-ROFFY: Do you prepare the report to
23 the National Park Service on passenger traffic?

24 MS. NICHOLS: Yes.

25 MR. ROTH-ROFFY: Okay. Could you describe

1 that, please?

2 MS. NICHOLS: Well, the Fort coordinator has a
3 sheet that he keeps with him at all times. And he has,
4 he records how many passengers are coming to the Fort.
5 And he records how many passengers are going back. And
6 then he keeps another column as to how many passengers
7 are still at the Fort. So, he constantly has a number.
8 He then turns that into me, I keep a log, and at the
9 end of each month, I call the ranger at the Park and
10 give him a total count for the month. And that is
11 archived on our computer. We keep that from year to
12 year.

13 MR. ROTH-ROFFY: Can we get copies of that
14 archives of passenger traffic as well to the Fort?

15 MS. NICHOLS: For how many months?

16 MR. ROTH-ROFFY: Probably back a year or so.
17 Do you have a year's worth of data?

18 MS. NICHOLS: Yes.

19 MR. ROTH-ROFFY: And you said you call the
20 Ranger, do you have a number or a name of a person you
21 call?

22 MS. NICHOLS: Yes, Paul, can you help me with
23 his last name?

24 MR. NARIZZANO: Charlie Strickland?

25 MS. NICHOLS: No, Paul, Ranger Paul.

1 MR. NARIZZANO: I don't know his name.

2 MS. NICHOLS: Okay. He is the one that I
3 report the numbers to.

4 MR. NARIZZANO: I think that is Charlie
5 Strickland, the Chief Ranger's assistant. I deal with
6 Charlie mostly.

7 MR. TURRELL: What is Charlie's, Strickland?

8 MR. NARIZZANO: Strickland. Tall, thin, dark
9 hair, he was at our mooring meetings several times.

10 MR. ROTH-ROFFY: Okay. Going back to what
11 Kathi said, Paul, do you have his number?

12 MS. NICHOLS: Yes, I do. Not in my head. I am
13 sorry.

14 MR. ROTH-ROFFY: Where is he located at, at
15 the Fort?

16 MS. NICHOLS: Fort McHenry, yes, at the
17 Visitor Center.

18 MR. ROTH-ROFFY: Okay. You mentioned that you
19 went over in a van with two other folks to pick up
20 passengers that were still on the Fort, do you recall
21 how many people that was, that you picked up out there?

22 MS. NICHOLS: I did not pick anybody up other
23 than Bill because the passengers had already found,
24 there were volunteers of people who had driven to the
25 Fort to visit, and the Rangers had issued everybody out

1 of the Park, and those passengers received rides from
2 some of those. They were basically strangers, but they
3 volunteered to take them back downtown. I didn't know
4 this because I was in route to the Fort.

5 MR. ROTH-ROFFY: Okay. How many passengers did
6 Bill say were left on the Fort that you had expected to
7 pick up?

8 MS. NICHOLS: Six or seven.

9 MR. ROTH-ROFFY: Okay. Was that the number
10 that Bill gave you, six or seven, or is that your
11 recollection of the number he gave you?

12 MS. NICHOLS: That is the radio transmission I
13 had heard from him when he was that Fort, as to what we
14 were going to do to get our passengers out of Fort
15 McHenry.

16 MR. ROTH-ROFFY: Did he, that was his
17 estimate, six or seven?

18 MS. NICHOLS: It wasn't an estimate. He had
19 it on paper. I don't recall the exact number he told
20 me, whether it was six or seven. But, it is written
21 down.

22 MR. ROTH-ROFFY: Okay. Are you involved with
23 the invoices, the accounts receivable, accounts
24 payable, is that part of your function?

25 MS. NICHOLS: Accounts receivable, yes. I do

1 the banks.

2 MR. ROTH-ROFFY: Okay. Do you have any, do you
3 pay any invoices for the company?

4 MS. NICHOLS: No. That is all on Ed. I spend
5 the money, but he has to pay it.

6 MR. ROTH-ROFFY: You spend it in one what
7 way?

8 MS. NICHOLS: Office supplies.

9 MR. ROTH-ROFFY: So you don't make any checks
10 out to other entities?

11 MS. NICHOLS: No, sir.

12 MR. ROTH-ROFFY: No. Okay, I think that is
13 all I have for now.

14 Commander?

15 LIEUTENANT COMMANDER HAMMOND: Yeah, I just
16 have a few. Commander Mark Hammond, Coast Guard.

17 Just so I can clarify in my mind the sequence
18 of radio transmissions. Whose radio transmission
19 regarding the weather went out first, was it yours or
20 was it John Glenn's?

21 MS. NICHOLS: John Glenn.

22 LIEUTENANT COMMANDER HAMMOND: John Glenn.

23 MS. NICHOLS: That is what, that is what I
24 reacted to, because when I am working, I have the radio
25 on, and I kind of know, but when I heard that, then I

1 do respond.

2 MR. ROTH-ROFFY: That is what cued you to go
3 look at the radar stuff.

4 MS. NICHOLS: Yes.

5 MR. ROTH-ROFFY: So he had not --

6 MS. NICHOLS: If it was just idle chit chat,
7 then I don't get involved.

8 MR. ROTH-ROFFY: Okay. So, he had not made
9 that announcement as a result of you saying that --

10 MS. NICHOLS: No.

11 MR. ROTH-ROFFY: Okay. So then after that,
12 then you checked the weather and that is the point when
13 you verified, yes, we do have some weather, but it
14 looks like to me it is west of us, heading north.

15 MS. NICHOLS: I was using Doppler as what I
16 was telling them on the radio.

17 MR. ROTH-ROFFY: Okay. Do you remember where,
18 you mentioned there was some blue and green in our
19 area, what the concentration was from what you could
20 see in what location?

21 MS. NICHOLS: It was right, it was coming
22 right towards Baltimore. It is two shades of blue and
23 then two shades of green or three shades of green,
24 which is the percentage. If, it was the darker blue,
25 and I don't recall what percentage that is on that

1 scale.

2 MR. ROTH-ROFFY: Okay.

3 MS. NICHOLS: And then it was the higher,
4 darker green. I mean, they were telling us that we
5 were getting the rain, but the orange and red were
6 north of us and little bit of the yellow was south of
7 us.

8 MR. ROTH-ROFFY: Okay. Does the Doppler
9 information indicate any wind speeds?

10 MS. NICHOLS: I don't use it for that. The
11 weather bug gives me, it has a, gives me the wind speed
12 and gusts. The direction of the wind and the gusts.

13 MR. ROTH-ROFFY: Okay.

14 MS. NICHOLS: And because it gave me no alert
15 at, because, anything that needs to alert, I did not go
16 into the weather bug.

17 MR. ROTH-ROFFY: Okay.

18 MS. NICHOLS: I went into Doppler.

19 MR. ROTH-ROFFY: Okay.

20 MS. NICHOLS: And because it was orange, red
21 and yellow up north, where the lighting was coming
22 from, so it confirmed that that where the heaviest
23 concentrations were.

24 MR. ROTH-ROFFY: Okay. Do you remember if it
25 was after that you heard Frank say, oh, great, I am out

1 in the middle of it?

2 MS. NICHOLS: Yeah, because, yeah, John had
3 talked and I had talked about what was on, what I saw
4 on the radar.

5 MR. ROTH-ROFFY: Okay.

6 MS. NICHOLS: But, again, I don't know where
7 he was located. I don't know what he meant by, oh,
8 great, I am out here in the middle.

9 MR. ROTH-ROFFY: Right.

10 MS. NICHOLS: I took it as sort of a, sort of
11 being sarcastic. I don't know if he was in danger at
12 that time or not. I didn't --

13 MR. ROTH-ROFFY: Okay. From your position in
14 the office, when you said you overhear radio
15 transmissions, do they, do the captains of each boat
16 report when they are embarking or disembarking
17 passengers or departing areas?

18 MS. NICHOLS: Yes.

19 MR. ROTH-ROFFY: And they report to you?

20 MS. NICHOLS: No, they talk to each other. We
21 have a dock coordinator at Harbor Place and our pattern
22 is when we leave Fells Point, they are inbound, and
23 they alert the boats that are inside the Inner Harbor
24 that they are coming back in. The holding position is
25 over at Maryland Science Center, waiting to come into

1 Harbor Place. And the dock coordinator brings that
2 holding boat over at Maryland Science Center, he alerts
3 them that the boat at Harbor Place is leaving. If a
4 dock coordinator is not there, then the captains
5 communicate with each other as to what their position
6 is and when they are leaving.

7 MR. ROTH-ROFFY: Okay. Okay. Do you remember
8 hearing Frank notify anyone when he was leaving Fort
9 McHenry?

10 MS. NICHOLS: I don't recall, I don't. He,
11 Frank, kind of tells us where he is. He is very good
12 about that, because the boats that are going to Fells
13 Point would have Fort McHenry passengers, so, he was
14 very good about communicating what his time would be.
15 So, the boat that is bringing the passengers to Fort
16 McHenry would be able to tell passengers approximately
17 how long a wait it is going to be, or the boat is going
18 to be there at a time. They communicate so when he
19 brings passengers back from the Fort, then they have to
20 board the Inner Harbor boat, so they would communicate
21 a lot about his position.

22 MR. ROTH-ROFFY: Okay. Were there any
23 transmissions that you heard from Frank prior to the
24 one where he said, oh, great, I am out in the middle of
25 it? Or was that the first time?

1 MS. NICHOLS: Well, I mean, he was telling the
2 Fells Point vessel, that he was, and again, this is
3 kind of in the back, it was nothing that I felt I
4 needed to focus on and really concentrate on what he
5 was transmitting, that he was boarding his passengers
6 and he should be back to Fells Point at such and such a
7 time.

8 MR. ROTH-ROFFY: Okay.

9 MS. NICHOLS: And I don't know the exact words
10 he used, because again it was just like routine
11 transmission.

12 MR. ROTH-ROFFY: Okay.

13 MS. NICHOLS: Nothing I needed to focus on.

14 MR. ROTH-ROFFY: Okay. Did you make any checks
15 of the weather earlier that day, any of the day?

16 MS. NICHOLS: It was raining when I came into
17 the office at 8:30.

18 MR. ROTH-ROFFY: Okay. But, it is not standard
19 procedure for you to come in and log on and check the
20 weather and get a forecast, only if something would
21 have prompted you?

22 MS. NICHOLS: Right. A lot of times, too, it
23 has been my experience in the past because I am not out
24 there, sometimes captains will broadcast over radio to
25 me, will you bring up Doppler and see what it is

1 saying. Kind of something looks kind of, on or about
2 in the south, north, whatever and I will do that for
3 them.

4 MR. ROTH-ROFFY: Okay.

5 MS. NICHOLS: Because they are out there and I
6 am not.

7 MR. ROTH-ROFFY: Did any captain do that on
8 Saturday?

9 MS. NICHOLS: No.

10 MR. ROTH-ROFFY: And one last one. You said
11 you had observed some lighting, at what point was that,
12 that you observed the lighting?

13 MS. NICHOLS: It is when I was calling the
14 crews to let them know what I had seen on the radar
15 screen.

16 MR. ROTH-ROFFY: Okay. You said you saw the
17 weather, it looked like it was concentrated west,
18 moving north --

19 MS. NICHOLS: Right and I saw the lighting so
20 they knew it was standard procedure, stay where they
21 are, if they had not already tied up.

22 MR. ROTH-ROFFY: Okay.

23 MS. NICHOLS: It was kind of like eyes and
24 ears for --

25 MR. ROTH-ROFFY: That was a visual

1 observation, that wasn't something that the Doppler --

2 MS. NICHOLS: No, no, it was visual.

3 MR. ROTH-ROFFY: Okay. You didn't happen to
4 get names of the folks that were left at Fort McHenry,
5 did you or did they make contact with you after all
6 this happened?

7 MS. NICHOLS: No.

8 MR. ROTH-ROFFY: Okay. That is all I have.

9 MR. TURRELL: Ed?

10 MR. NARIZZANO: Ed Narizzano, Director,
11 Seaport Taxi.

12 I just want to clarify a few points. I think
13 Morgan asked how many full time captains we have. That
14 would be 40 hours a week or what is your understanding
15 of full time, or currently active captains, I think you
16 said seven.

17 MS. NICHOLS: Well, I interpret that as how
18 many we have on payroll and are working this time of
19 the year.

20 MR. NARIZZANO: Right, but is that, it is not
21 necessarily full time. They are, many of them are part
22 time.

23 MS. NICHOLS: Right. No, I answered that as
24 to --

25 MR. TURRELL: I will reask the question. How

1 many captains are working for you right now in this
2 season?

3 MS. NICHOLS: Seven.

4 MR. NARIZZANO: Six or seven. It varies based
5 on weather opportunities will bring them in slowly,
6 which are ramp up period now. So, it is weather
7 sensitive and what temperatures.

8 John Glenn did make, try to clarify, who
9 initially brought up the, asked you to bring up the
10 Doppler radar, was that, that was John Glenn?

11 MS. NICHOLS: No.

12 MR. NARIZZANO: No.

13 MS. NICHOLS: I brought it up.

14 MR. NARIZZANO: Okay.

15 MS. NICHOLS: The reason I brought I brought
16 up because I heard him talking to the other captains.
17 That alerted me to something was going on.

18 MR. NARIZZANO: All right. I misread my
19 notes.

20 Discretion to tie up, John Glenn, did John
21 Glenn say if you feel like tying up or was that, was
22 that, gentlemen, tied up, a storm is coming?

23 MS. NICHOLS: The words that I remember him
24 using is use your discretion. I don't know if he, I
25 don't know what he meant by tie up where you are, get

1 to --

2 MR. NARIZZANO: Okay.

3 MS. NICHOLS: I just don't know, I don't know
4 how he was using the word in his sentence.

5 MR. NARIZZANO: Okay.

6 MS. NICHOLS: But, again, the sun was out.

7 MR. NARIZZANO: Okay. You mentioned that we
8 asked or requested Frank to come to the office, why did
9 we want that to happen?

10 MS. NICHOLS: I, again, I don't, I don't
11 recall. I don't recall, I guess because I was --

12 MR. NARIZZANO: Well, it was a hectic time, I
13 know.

14 MS. NICHOLS: -- concerned to get into Fort
15 McHenry because we did want to get those passengers
16 away from this terrible situation. And I think it was
17 to get him back to our office, that is how I
18 interpreted it, because I remember there was a comment,
19 a couple of times, that he has to have a drug test
20 within four hours and we were concerned that that was
21 going to happen.

22 MR. NARIZZANO: Yes, that is exactly right.
23 Okay.

24 MS. NICHOLS: So, if we were able to bring him
25 back to the office, we could take him to our, he could

1 go for his test, is how I interpreted why.

2 MR. NARIZZANO: Had that --

3 MS. NICHOLS: It was necessary to get him back
4 there for --

5 MR. NARIZZANO: We didn't realize how, what
6 the details were, so our standard procedures was that
7 was why we wanted him back. Any incident, not how
8 small, you go in. Okay.

9 One other quick thing. Did you hear on the
10 radio, captains calling the office saying, maybe off
11 the air, I am going to be checking the weather on the
12 weather channel?

13 MS. NICHOLS: No, I did not hear that.

14 MR. NARIZZANO: I am not saying, I am not
15 saying any time, at any course of the week, other days?

16 MS. NICHOLS: Oh, yeah.

17 MR. NARIZZANO: Other days.

18 MS. NICHOLS: Yeah, yes. I have heard that on
19 the radio.

20 MR. NARIZZANO: Seldom, seldom, often?

21 MS. NICHOLS: With the weather bad, I would
22 say it was seldom. But, there are a couple of captains
23 that do that as standard procedure, I am going off, I
24 will be on the black box. We have two ways of
25 communicating with them.

1 MR. NARIZZANO: So, that, you know --

2 MS. NICHOLS: Standard procedure somebody
3 goes, if they, because they are out there, if they
4 know, if they need to check.

5 MR. NARIZZANO: Okay.

6 MR. TURRELL: All right, I have some more
7 questions.

8 Somebody told us yesterday that there was
9 signs at the ferry's pick up location about the
10 lighting procedure, do you know anything about, like we
11 operate, we would suspend operations certain times, do
12 you know of any postings?

13 MS. NICHOLS: To be honest with you, it has
14 been awhile since I have seen those signs, so, I can't
15 answer that question.

16 MR. TURRELL: But, were there ever signs that
17 said that, do you know if there is any sort of postings
18 that tell the passengers that there might be suspension
19 of operations or -- How are the passengers informed of
20 weather operations?

21 MS. NICHOLS: The mate announces what we are
22 going to be doing.

23 MR. TURRELL: Okay.

24 MS. NICHOLS: And bad, inclement weather.

25 MR. TURRELL: Okay. So it is not with a ticket

1 or receipt or brochure?

2 MS. NICHOLS: It is written on our passenger
3 guide.

4 MR. TURRELL: And all passengers get the
5 passenger guide?

6 MS. NICHOLS: Yes.

7 MR. TURRELL: Okay. And they get that when
8 they pay for a ticket?

9 MS. NICHOLS: Yes.

10 MR. TURRELL: Okay.

11 MR. NARIZZANO: Can I clarify that? Our new
12 guides haven't come out, we are exhausted at this
13 point. It may not have been distributed because it is
14 the threshold of the season and guides are pretty much
15 depleted.

16 MR. TURRELL: Okay. This weather bug that you
17 call up, your familiarity with, is it based on location
18 by zip code or how do you know that when that weather
19 bug comes up, that it is telling you about the weather
20 here in Baltimore?

21 MS. NICHOLS: City.

22 MR. TURRELL: City.

23 MS. NICHOLS: It asked, well it is already, it
24 is already programmed for the, for the, when I first
25 installed the weather bug, it asks me for the cities

1 that I want.

2 MR. TURRELL: Okay. So, it is city specific.

3 Okay. Do you have access to or hear the local
4 NOAA reports, or not National Weather Reports, for the
5 area like a radio in the office?

6 MS. NICHOLS: Yes, I do have a radio, a NOAA
7 radio. And I didn't think that it warranted me turning
8 that on, because of when I saw on the radar.

9 MR. TURRELL: Okay. Do you have, how often do
10 you personally check the weather? What is your weather
11 knowledge, what is your experience, did anyone train
12 you or tell you about what kind of weather to look for
13 on the Doppler or weather bug? You know, I am trying
14 to understand the information you get off the computer,
15 and the instructions you make as to what level of
16 understanding and education you have in weather that
17 might affect the boats. Did someone tell you, hey,
18 Kathi, look for this, look for that, this is the
19 information we are looking for, or is just common
20 sense?

21 MS. NICHOLS: Well, I have, I was in the
22 process of getting my license, so I have had that in my
23 studies.

24 MR. TURRELL: Okay.

25 MS. NICHOLS: I have worked with Ed, he has

1 shared some information as to what I need to be looking
2 for.

3 MR. TURRELL: Okay.

4 MS. NICHOLS: On the radar. And being on the
5 water for almost, common sense.

6 MR. TURRELL: Okay. So you have some boat
7 training, some maritime on the water experience. And
8 you are working for your license to be one of the
9 Seaport captains?

10 MS. NICHOLS: Yes.

11 MR. TURRELL: Okay.

12 MS. NICHOLS: Well, I need to clarify that, I
13 was, and then I had to have knee surgery, so I am on
14 hold with that.

15 MR. TURRELL: Okay. And so you are taking some
16 instruction for the license or --

17 MS. NICHOLS: Chesapeake Maritime Institute.
18 I was down there --

19 MR. TURRELL: Okay. In the studies, did they
20 have a weather course or weather information?

21 MS. NICHOLS: Not to the extent, it was part
22 of the, we briefly went over the formation of clouds
23 and things like that. But, please don't ask me to tell
24 you right now.

25 MR. TURRELL: Okay.

1 MS. NICHOLS: I would fail miserably.

2 MR. TURRELL: Do you recall anyone from the
3 office making a call to the 9-1-1 or local officials
4 reporting this possible accident?

5 MS. NICHOLS: No. I thought and again, this
6 is just not that clear because of Bill Thompson's
7 transmission, on his hand held from the Fort, but I --
8 He might have said someone is calling 9-1-1, when I was
9 trying to get information from him as to what was going
10 on out there, because I thought he had a better view.
11 But, he wasn't, he was up by the, he had taken those
12 passengers that were not able to board, up to the
13 public restroom area to get in the under hang because
14 of that little burst of rain that came through.

15 MR. TURRELL: Okay. Can you take describe
16 where your office is and where your desk is in
17 particular, the location, where your cubicle or work
18 space?

19 MS. NICHOLS: Describe it as far as?

20 MR. TURRELL: Where it is in the building. Is
21 it near a window? Is it overlooking the Harbor?

22 MS. NICHOLS: Yes, I have, we have big huge
23 sliding glass window and then another small window and
24 it is facing west, due west. We have the view of the
25 total marina, Center Dock Marina.

1 MR. TURRELL: And is that where your desk is
2 located, in front of those windows or --

3 MS. NICHOLS: My desk is located in, facing
4 east, on the east wall. And I have a desk behind me,
5 that is on the west wall, too, so, I am, I am back and
6 forth.

7 MR. TURRELL: So, from your vantage point,
8 where are the windows located from your desk?

9 MS. NICHOLS: Facing west.

10 MR. TURRELL: Facing. All right.

11 MS. NICHOLS: And that is how I saw the
12 lighting because when you get up, stand up and go by
13 where the radio is, you can see south and north.

14 MR. TURRELL: Okay.

15 MS. NICHOLS: Both the city sky line.

16 MR. TURRELL: Does Seaport Taxi have written
17 standard operating procedures or written guidance
18 regarding the lighting, high wind conditions,
19 instructions to masters or mates?

20 MS. NICHOLS: I think it is, we have something
21 written in the guide. We have an orientation every
22 year, and a little handbook, a manual handed to the
23 mates and it is discussed in the orientation.

24 MR. TURRELL: Okay.

25 MS. NICHOLS: About weather procedures when,

1 when we have something like this happening.

2 MR. TURRELL: And last, is there a written or
3 discussed emergency plan at Seaport Taxi to respond to
4 these types of accident? I mean, do you have a
5 specific job description telling you in an event of an
6 emergency, these are your duties as office manager?

7 MS. NICHOLS: No. When we do man overboard
8 procedures, discuss with the mates that, during the
9 drill, they are actually implementing what you do in an
10 emergency.

11 MR. TURRELL: So there is no organized crisis
12 plan at Seaport Taxi to your knowledge as far as what
13 you would do?

14 MS. NICHOLS: No.

15 MR. TURRELL: Okay. I have no other questions.

16 MR. ROTH-ROFFY: Tom Roth-Roffy, just a couple
17 of more and then I think we are getting close to the
18 end, Kathi.

19 Could you tell us about passenger
20 accountability and counting? We have heard about the
21 Fort McHenry port coordinator that keeps a count of
22 passengers arriving and departing. Could you describe
23 that a little bit more as well? He keeps some kind of a
24 record, correct?

25 MS. NICHOLS: Yes.

1 MR. ROTH-ROFFY: How does that work when a
2 passenger comes to the Fort, does he count the number
3 of people coming on?

4 MS. NICHOLS: He logs in how many passengers
5 are disembarking at the Fort. And then he also has a
6 column where he logs in how many passengers have
7 boarded to go back into the Inner Harbor. And then the
8 other column is how many passengers still are there
9 from the previous, because you can stay out there as
10 long as you want. There is no mandatory, you are only
11 here for one hour, they can stay as long as they want
12 or get back on the next available boat to come back on.
13 It is the passenger's option.

14 MR. ROTH-ROFFY: Okay. Does the Fort McHenry
15 charge an admission charge for people that may drive
16 in, do you know?

17 MS. NICHOLS: No, no.

18 MR. ROTH-ROFFY: There is no admission charge.

19 MS. NICHOLS: The only admission that I am
20 aware of is getting into the actual Fort Museum. Other
21 than that, the grounds and the Visitor's Center are
22 free of charge. And they don't charge for parking. We
23 do not allow, we do not allow people to board from Fort
24 McHenry that have not been issued tickets in advance.
25 The only time we allow anybody to board directly from

1 Fort McHenry if they are escorted down by a ranger and
2 he verifies or they have written permission. A lot of
3 times we have, not a lot of times, sometimes the crew
4 from the Naval ship, and sometimes if somebody at the
5 Naval Base, they want to come into the city and they
6 have that means to use, we do allow them to board.

7 MR. ROTH-ROFFY: Okay. Do they have to be
8 escorted by the Park ranger in that instance, or you
9 have some kind of an arrangement with --

10 MS. NICHOLS: They have to, either be escorted
11 by a Park ranger or they bring written permission from
12 somebody out of the Visitor's Center, one of the
13 rangers.

14 MR. ROTH-ROFFY: Okay. So the price of
15 admission on the water taxi does not include admission
16 to the Park, is that correct?

17 MS. NICHOLS: Right.

18 MR. ROTH-ROFFY: That is an additional charge
19 they would have to --

20 MS. NICHOLS: If they want to go into the
21 museum, yes.

22 MR. ROTH-ROFFY: Okay. Kathi, you talked about
23 you were working for your license. Could you describe
24 your previous marine experience before taking the
25 position as office manager?

1 MS. NICHOLS: Yes, I worked as a mate for
2 Seaport Taxi. Prior to that, I worked as a mate at
3 Water Taxi, and then going back I was mate for Harbor
4 Shuttle.

5 MR. ROTH-ROFFY: Okay. Could you put some time
6 frames on those periods, please?

7 MS. NICHOLS: Harbor Shuttle, I want to say
8 '96, '97, '98. I worked for them for three years.

9 MR. NARIZZANO: We must have passed, because I
10 don't remember you being in the office.

11 MS. NICHOLS: Okay. I started, after I left
12 Harbor Shuttle, I started working on the Schooner,
13 Night Hawk, I was on the schooner for three years, when
14 I was working on Water Taxi. Water Taxi I was, okay,
15 May, this May will be four years. So I was at Water
16 Taxi the latter part of '98, '99.

17 MR. ROTH-ROFFY: And then after Water Taxi you
18 worked for Harbor Shuttle.

19 MR. TURRELL: I think it is the other way
20 around.

21 MS. NICHOLS: No, I started at Harbor Shuttle.

22 MR. TURRELL: Right and then worked at Water
23 Taxi.

24 MS. NICHOLS: Water Taxi. And then I started
25 working on the schooner and then I came to Seaport

1 Taxi.

2 MR. ROTH-ROFFY: Okay. And you started with
3 Seaport Taxi when?

4 MS. NICHOLS: May of 2000.

5 MR. NARIZZANO: 2001.

6 MS. NICHOLS: 2001, thank you.

7 MR. ROTH-ROFFY: And your first position was
8 as a mate?

9 MS. NICHOLS: Yes.

10 MR. ROTH-ROFFY: Okay.

11 Can you describe your understanding of what
12 the weather policy is for the company? You mentioned
13 it was raining when you came into work, but, the boats
14 were operating, right or were going to be operating.
15 So, rain, is rain a problem for operating the boats?

16 MS. NICHOLS: No.

17 MR. ROTH-ROFFY: Okay. So, the boats do
18 operate during rain.

19 MS. NICHOLS: Right.

20 MR. ROTH-ROFFY: Okay. So, what is the policy
21 on weather, when should they stop operating?

22 MS. NICHOLS: I am not understanding the
23 question.

24 MR. ROTH-ROFFY: Okay.

25 MS. NICHOLS: Sorry.

1 MR. ROTH-ROFFY: I am just trying to get an
2 understanding of what the company policy is on, on
3 operation of vessels in inclement weather and how you,
4 how you --

5 MS. NICHOLS: When the captains feel
6 uncomfortable about being out there because of what the
7 weather is doing, they will radio and say I am tying
8 up. The captains do communicate. Storms, high winds,
9 lighting, it is immediately get someplace and tie up as
10 soon as possible. Standard procedure.

11 MR. ROTH-ROFFY: Okay. But, rain by itself
12 would not necessarily prompt them to --

13 MS. NICHOLS: No.

14 MR. ROTH-ROFFY: -- suspend.

15 MS. NICHOLS: No. I haven't experienced that.
16 But, I don't work every day, so, there might have been
17 some instances where somebody might felt uncomfortable,
18 but I have not experienced it.

19 MR. ROTH-ROFFY: Can you quantify the strong
20 wind, what would be your understanding of when you
21 would suspend operations?

22 MS. NICHOLS: I have seen them suspend
23 operations when we have had sustained winds of over 15
24 knots, when it is gusting to 40, which is --

25 MR. ROTH-ROFFY: Okay. So sustained of more

1 than 15 and gusts more than 40 is your understanding --

2 MS. NICHOLS: Oh, no, gusts of, you know, we
3 are talking about 30, 40 on a, on a steady basis of
4 these gusts.

5 MR. ROTH-ROFFY: I am sorry, could you restate
6 that? What your understanding is of the wind operating
7 restrictions are?

8 MS. NICHOLS: I have experience that we didn't
9 go out when we had steady winds of, you know, 15, 20
10 knots and then the gusts are going beyond that, up into
11 the 30s and 40s. But, gusts are periodic, you know.

12 MR. ROTH-ROFFY: Sure. And is that, is that
13 just your understanding or is that some direction that
14 is put as a company policy?

15 MS. NICHOLS: It is, to my knowledge, it is
16 our company policy.

17 MR. ROTH-ROFFY: Okay.

18 MS. NICHOLS: How I have understood it.

19 MR. ROTH-ROFFY: Okay. And how, how did you
20 come to receive this understanding? Was it something
21 written down or was it an instruction that you received
22 from somebody?

23 MS. NICHOLS: Instructions from the Director,
24 from Ed Narizzano and the captains also, back him up on
25 that decision or sometimes the captains will let him

1 know what it is really like out there, and he goes with
2 their recommendations. If they feel that it is unsafe
3 to operate in that type of wind.

4 MR. ROTH-ROFFY: Regarding passenger
5 accountability, I know we have talked about the Fort
6 McHenry procedure for counting passengers, is there any
7 other parts in the routes, either the inner loop or the
8 outer loop where passenger numbers are maintained?

9 MS. NICHOLS: Not recorded, but the mate is to
10 count as the passengers are boarding and it has been my
11 experience of working as a mate, that the captain also
12 helps with the count when you are really, really busy.

13 Now, this time of year, when you are slow, the mate
14 makes sure, takes no more than capacity.

15 MR. ROTH-ROFFY: Okay, so, they count the
16 numbers just to make sure that they don't exceed.

17 MS. NICHOLS: Absolutely before, before I have
18 left Harbor Place, I have always made sure I had an
19 accurate head count, if I am really busy, to know that
20 we have not, you know, sometimes they just run on, and
21 you don't have a lot of control. So, I always make
22 sure and it is standard procedure that if you are very
23 busy and you kind of think that maybe somebody had come
24 in without your knowledge, you always do a head count
25 before you pull off.

1 MR. ROTH-ROFFY: Okay. But, those numbers
2 aren't written down or reported anywhere?

3 MS. NICHOLS: Correct.

4 MR. ROTH-ROFFY: Is that correct?

5 MS. NICHOLS: Yes.

6 MR. ROTH-ROFFY: What about ticket sales,
7 could you tell us how that works? You buy one ticket
8 and it is good for all day, or how does that work?

9 MS. NICHOLS: Yes. It is an all day pass.
10 You are issued a ticket, and a hand stamp and you
11 present that each time you want to reboard. That is
12 good for the duration of our schedule, for that day.
13 And then throughout the week we had different color
14 tickets, different color hand stamps.

15 MR. ROTH-ROFFY: How many different color and
16 hand stamps do you have?

17 MS. NICHOLS: Five tickets, and four hand
18 stamps.

19 MR. ROTH-ROFFY: We talked about, or you
20 talked about the need to bring Frank back for a drug
21 test. Could you describe your understanding of the,
22 what that policy is? When a drug test would have to be
23 done?

24 MS. NICHOLS: With any incident, standard
25 procedure. How, how small or large it is, that is

1 immediately, it is Consensual, we have a drug testing
2 done.

3 MR. ROTH-ROFFY: So, if the captain steps off
4 the platform and twists his ankle, do you think that
5 would required a drug test?

6 MS. NICHOLS: I would, I personally feel that
7 it wouldn't require one, no. But, I don't know.

8 MR. ROTH-ROFFY: Is there, does the company
9 have a written drug test policy that you have seen, on,
10 you know, getting guidance on how to, how and when drug
11 test would be done?

12 MS. NICHOLS: No, we do random every month.

13 MR. ROTH-ROFFY: Is that random drug policy
14 written down in words anywhere?

15 MS. NICHOLS: I, I do know that a random
16 testing comes from the Human Resources at Living
17 Classrooms Foundation.

18 MR. ROTH-ROFFY: Okay. And do you have an
19 arrangement with a particular company to perform drug
20 testing on crews?

21 MS. NICHOLS: Consensual.

22 MR. ROTH-ROFFY: And that is a local Baltimore
23 company?

24 MS. NICHOLS: Yes.

25 MR. ROTH-ROFFY: Does Seaport Taxi have a

1 safety program that you know of?

2 MS. NICHOLS: I would consider the man
3 overboard procedures along with the captains and the
4 instant turn, the proper way of tying lines, learning
5 how to tie the bulkhead, in case of an emergency if
6 they need that.

7 MR. ROTH-ROFFY: Do you have a system for
8 reporting injuries, if somebody is injured on the boat,
9 is there a special form that they would fill out?

10 MS. NICHOLS: Yes. The captain puts it on his
11 log sheet. In addition, too, we have forms from the
12 Human Resources Department of witnesses and the crew
13 statement. There are different forms that have to be
14 issued.

15 MR. ROTH-ROFFY: Do you know if that, that
16 policy or arrangement is written down in some kind of a
17 company written policy? You know, if you have an
18 accident or --

19 MS. NICHOLS: I believe, I believe there is, a
20 sheet that HR has.

21 MR. ROTH-ROFFY: Okay.

22 MS. NICHOLS: Given --

23 MR. ROTH-ROFFY: Do you know how many cell
24 phones the company issues out to the captains and the
25 coordinators? Do you have a count of that number?

1 MS. NICHOLS: It is, we have one cell phone
2 aboard that is company issued. And of course,
3 everybody, all the crew would have cell phones,
4 themselves.

5 MR. ROTH-ROFFY: Okay. So, there is one
6 company cell phone that is given to a particular boat?

7 MS. NICHOLS: Usually it is the first boat out
8 in the day.

9 MR. ROTH-ROFFY: Okay.

10 MS. NICHOLS: It is not one particular boat. I
11 think, I think that it is primarily on the number 10
12 boat, if my memory is serving me right, because of the
13 adapter connection to it.

14 MR. ROTH-ROFFY: Do you maintain any type of a
15 communications log or an event log during the day while
16 you in the office?

17 MS. NICHOLS: No.

18 MR. ROTH-ROFFY: And you do have UHF walkie
19 talkies. Could you describe how many of those you have
20 and how many are issued and who they are issued to?

21 MS. NICHOLS: Every vessel, every captain is
22 issued one, as I and Ron have one our person. In my
23 office, I leave the office, I take mine with me.

24 MR. ROTH-ROFFY: What about the coordinators?

25 MS. NICHOLS: They have hand helds.

1 MR. ROTH-ROFFY: UHF hand held?

2 MS. NICHOLS: VHF.

3 MR. ROTH-ROFFY: Oh, VHF.

4 MR. NARIZZANO: These are radios, confusing.

5 The black box is UHF, and those are basically
6 intercompany communication to hand held. The only
7 people that get those would be the coordinators to talk
8 to the boats, which the boats have fixed stations.

9 MR. ROTH-ROFFY: Okay. I think that is all I
10 have.

11 MR. TURRELL: I have just couple of more
12 follow. I know it has been a long time.

13 The last trip out to Fort McHenry was the
14 four o'clock trip, right, and that is when they pick up
15 the passengers who are there?

16 MS. NICHOLS: Correct.

17 MR. TURRELL: Is there a time when you need
18 to get those passengers off?

19 MS. NICHOLS: Yes, the four o'clock, five
20 o'clock this time of the year.

21 MR. TURRELL: Okay.

22 MS. NICHOLS: And this way we assure that we
23 have all of our passengers by the time they want to
24 close. Because they do switch them around.

25 MR. TURRELL: Is it unusual for the last trip

1 to be out there to have a few stragglers onboard and
2 then have to come back and pick those up?

3 MS. NICHOLS: Well, it is not unusual,
4 sometimes we will facilitate getting everybody off at
5 the same time, we might issue a larger capacity vessel
6 to go pick everybody up at the same time.

7 MR. TURRELL: Okay. Any particular reason
8 that wasn't done in this case that you know of?

9 MS. NICHOLS: I don't have any knowledge.

10 MR. TURRELL: Okay. In the drug testing
11 program, the company drug testing program is
12 administered by your human resources department? I
13 mean, as far as maintaining --

14 MS. NICHOLS: The random?

15 MR. TURRELL: -- records of who gets tested,
16 results.

17 MS. NICHOLS: Yes.

18 MR. NARIZZANO: It is Consortium. Living
19 Classroom.

20 MS. NICHOLS: We always keep a copy in the
21 personnel folder.

22 MR. TURRELL: Okay.

23 MS. NICHOLS: Of all drug tests. Our policy
24 is they don't go out, if they are new employees, they
25 do not go out on the water until they have a drug test.

1 MR. TURRELL: Right.

2 MS. NICHOLS: And we have to have that copy
3 back in our office and then sending the original to the
4 Human Resources Department.

5 MR. TURRELL: Okay.

6 MS. NICHOLS: But, every file is -- we have a
7 copy of it, not the results, just the fact that they
8 had it taken.

9 MR. TURRELL: Right.

10 MS. NICHOLS: If the result is positive, we
11 are immediately alerted from Human Resources. And then
12 we take appropriate actions.

13 MR. TURRELL: Okay. That is all I have.

14 Ed?

15 MR. NARIZZANO: Just a little clarification,
16 you had questions asked about what our policy rain, how
17 it affects boat operations. Kathi, other than, you
18 know, safety is always a factor, but, what other
19 factors go into how many boats we operate on a given
20 weather day? Number of people available, it is
21 raining, you put five boats out because there is nobody
22 there to take out, pick up or --

23 MS. NICHOLS: You mean this time of the year?

24 MR. NARIZZANO: Well, any time of the year, if
25 it is raining, if you had 10 boats scheduled, would you

1 still put 10 boats out during a raining downpour day?

2 MS. NICHOLS: I have seen, I don't make that
3 decision, but I have seen boats, a couple of boats
4 asked to be stand down because of the weather. Not the
5 full --

6 MR. NARIZZANO: So, that number varies based
7 on --

8 MS. NICHOLS: The weather, yes.

9 MR. NARIZZANO: All right.

10 MS. NICHOLS: I have made the phone calls to
11 the crew, asking them to stand down because of the
12 weather.

13 MR. NARIZZANO: And you mentioned that the
14 conditions of 15 or 20 knots we may adjust service
15 levels. Have we ever adjusted service levels to Fort
16 McHenry because of weather conditions?

17 MS. NICHOLS: Yes, we have, we have on
18 numerous occasions, we have not gone to the Fort
19 because of the wind conditions and the weather
20 elements. And then call the various partners we have
21 in distributing our tickets and let them know that we
22 are not going to the Fort so they can advise the
23 customers.

24 MR. NARIZZANO: That is all I have.

25 MR. TURRELL: One last question. Who are some

1 of the partners that actually issue Seaport Taxi
2 tickets?

3 MS. NICHOLS: Under the National Historic
4 Seaport, there is Baltimore Maritime Museum. We have
5 partners with the Constellation and we have two ticket
6 booths. A lot of, some of the hotels and mariners will
7 buy lots of tickets. They either resell or hand them
8 out as --

9 MR. TURRELL: So, in your estimation, how many
10 outside vendors are selling Seaport tickets?

11 MS. NICHOLS: How many avenues?

12 (Pause.)

13 MR. NARIZZANO: Ducks. Ducks sell them.

14 (Pause.)

15 MS. NICHOLS: So, there is four.

16 MR. NARIZZANO: And that is season, that
17 season comes again, the Ducks booth also is selling our
18 tickets. I don't know if they are operating this time
19 of the year.

20 MR. TURRELL: Okay. That is all I have.
21 Anything else, or we will conclude the interview.
22 Thanks very much. And we will conclude the interview.
23 Please acknowledge this was recorded. Just acknowledge
24 this was recorded.

25 MS. NICHOLS: I have acknowledged that this

1 meeting has been recorded.

2 MR. TURRELL: Okay.

3 (Whereupon, the interview was concluded.)